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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|------------------|
| 09/987,814  | 11/16/2001  | Toshio Nitta         | Q67300                  | 7640             |
| 7590 08/23/2005   |             |                      |                         |                  |
| SUGHRUE MION, PLLC<br>2100 Pennsylvania Avenue, NW<br>Washington, DC 20037-3213 |             |                      | EXAMINER<br>JAIN, RAJ K |                  |
|   |             |                      | ART UNIT<br>2664        | PAPER NUMBER     |

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |               |  |
|------------------------------|-----------------|---------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s)  |  |
|                              | 09/987,814      | NITTA, TOSHIO |  |
|                              | Examiner        | Art Unit      |  |
|                              | Raj Jain        | 2664          |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,9,10 and 12 is/are rejected.
- 7) ☒ Claim(s) 2,5,8,11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/24/03</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Claims 1-14 examined on the merits.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,4,6,7,9,10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Afrakhteh et al (US20010055308A1) in view of Inokura et al. (US006658266B1): Afrakhteh discloses a method and system for voice and data communication using multi-bus system (see abstract, Fig. 1, 3A). Afrakhteh discloses a communications system that integrates voice, data and video within a system controller 50 (see Fig. 2) which communicates to computers, printers etc via bus 26 and to internet, WAN, ISDN, wireless services via trunks 54 (see paras 0056-0059), the computers, etc. communicate to the system 50 via access servers 32 (Fig. 1) that may be provided within a mobile switching system (see Fig. 3, which is system 50 described in detail). The switch/multiplexer 74 provides for voice and data signals to be controlled to desired slots of TDM bus 78 (see para 0063-0066).

Afrakhteh in general discloses communications between devices on one or more buses by way of circuit switching techniques, however, Afrakhteh does not disclose

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detecting an end of data packet that may be sent from either a mobile device or through the internet and than an access server thereof.

Inokura discloses detecting an end of data packet that may be sent from either a mobile device or through the internet and than an access server thereof (see abstract, col 1 line 61 – col 2 line 43, col 5 lines 29- 50, Fig. 1, a mobile communications system is provided that includes a control circuit for detecting when an end of the transfer of packet data is completed and than to allow a voice communications within the same channel once the data transfer is complete). Allowing voice calls to be placed on hold while data transfer taking place on the same channel and providing a timing sequence so that once data transfer is completed within the time frame allowed, the voice call is than released and activated as appropriate. This allows for efficient use of the traffic channel both for voice and data transfer. Although a single detection circuit is disclosed within Inokura for detecting end of data transfer, one skilled in the art will appreciate, that any number of detection circuits may be incorporated at desired switches, servers etc. as appropriate for detecting of the same.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a detection scheme of Inokura that detects the end of data transfer within Afrakhteh so as to allow for efficient use of traffic channels within a communications system.

***Allowable Subject Matter***

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Claims 2,5, 8 and 11 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Claims 13 and 14 are allowed. The prior art discloses a wireless/internet communications system with TCP/IP network with appropriate detection circuits incorporated within so as detect end of data transfer and commence voice communications on the same channel.

The prior art however fails to disclose or suggest in case that a value of a logical product of the detection results is true, a line signal transmitting and receiving circuit provides an indication to a mobile switch via signal repeating device to release the voice channels for TCP/IP data communication.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



RJ

August 19, 2005